

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRITTANY RENEE GIBSON,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

No. 2:22-cv-0844 KJN P

ORDER

For the reasons stated herein, the Clerk of the Court is directed to reopen this action.

On May 18, 2022, petitioner filed a document seeking an extension of time to file a petition for writ of habeas corpus and appointment of counsel. (ECF No. 1.)

On June 1, 2022, the undersigned issued an order informing petitioner that in order to commence an action, petitioner must file a petition for writ of habeas corpus pursuant to Rule 3 of the Rules Governing Section 2254 Cases, and petitioner must either pay the required filing fee or file an application to proceed in forma pauperis. (ECF No. 3.) The undersigned informed petitioner that the court would not issue any orders granting or denying relief until an action is properly commenced. (Id.) The undersigned denied petitioner's motion for extension of time and for appointment of counsel. (Id.) The undersigned granted petitioner thirty days to file a habeas corpus petition and to pay the filing fee or file an application to proceed in forma pauperis. (Id.)

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1 In response to the June 1, 2022 order, petitioner filed a request for voluntary dismissal.
2 (ECF No. 4.) On June 22, 2022, the undersigned dismissed this action pursuant to petitioner's
3 request. (ECF No. 5.)

4 On July 5, 2022, petitioner filed a motion to reopen this action. (ECF No. 6.) Petitioner
5 states that she did not intend to dismiss this action. (Id.) Petitioner states that she intended to
6 seek a thirty-days extension of time to comply with the June 1, 2022 order. (Id.) Petitioner also
7 states that she sent the \$5.00 filing fee and paperwork. (Id.) By paperwork, petitioner apparently
8 refers to a habeas corpus petition.

9 Good cause appearing, petitioner's motion to reopen this action is granted. Petitioner is
10 informed that the court did not receive the \$5.00 filing fee or habeas corpus petition.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Petitioner's motion to reopen this action (ECF No. 6) is granted;
- 13 2. Petitioner is granted thirty days from the date of this order to submit the filing fee or
14 an application to proceed in forma pauperis; failure to comply with this order will
15 result in a recommendation of dismissal of this action;
- 16 3. Petitioner is granted thirty days from the date of this order to submit a habeas corpus
17 petition; failure to comply with this order will result in a recommendation of dismissal
18 of this action;
- 19 4. The Clerk of the Court is directed to send petitioner the form for a habeas corpus
20 petition pursuant to 28 U.S.C. § 2254.

21 Dated: July 13, 2022

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE

26 Gib844.vac

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